

## Message Text

CONFIDENTIAL

PAGE 01 MANILA 03842 261230Z

63

ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10

AID-05 OMB-01 SCS-03 SCA-01 SY-05 /080 W

----- 109196

R 260934Z MAR 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 1692

C O N F I D E N T I A L MANILA 3842

E.O. 11652: GDS

TAGS: PINT, RP

SUBJECT: AQUINO CASE UPDATE

REF: MANILA 3383

BEGIN SUMMARY: ATTORNEYS FOR SEN. AQUINO HAVE PETITIONED SUPREME COURT TO ORDER MILITARY COMMISSION NOT TO TAKE TESTIMONY IN AQUINO CASE ON MAR 31. THEY CONTEND SUCH TESTIMONY PRIOR TO SUPREME COURT DECISION ON AQUINO PETITION CHALLENGING COMPETENCE OF MILITARY TRIBUNALS PREJUDGES HIS CASE. END SUMMARY.

1. ON MAR 25, ATTORNEYS FOR SEN. AQUINO PETITIONED SUPREME COURT TO ENJOIN MILITARY COMMISSION NO. 2 FROM PROCEEDING WITH "PERPETUATION" PROCEEDINGS IN AQUINO CASE SCHEDULED FOR MAR 31 (REFTEL). AQUINO'S LAWYERS ARGUE THAT MILITARY TRIBUNAL'S PERPETUATION PROCEEDINGS "PRESUPPOSE" THAT MILITARY COMMISSION NO. 2 HAS UNQUESTIONED JURISDICTION TO TRY THEIR CLIENT WHICH IS QUESTION PENDING BEFORE SUPREME COURT. FOURTEEN-PAGE MOTION ON AQUINO'S BEHALF ALSO CONTENDS THAT PERPETUATION ORDER ILLEGAL SINCE IT DOES NOT COMPLY WITH REQUIREMENTS OF PRESIDENTIAL DECREE NO. 328.

2. ADVERTING TO GOVERNMENT CLAIM THAT PERPETUATION NECESSARY, AQUINO LAWYERS ASKED WHO AMONG WITNESSES WERE "TOO CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANILA 03842 261230Z

SICK OR INFIRM TO APPEAR AT THE TRIAL OR HAVE LEFT THE

PHILIPPINES?" AQUINO BRIEF ALSO REITERATES POSITION THAT OFFENSES OF WHICH HE IS ALLEGEDLY GUILTY ARE CIVIL OFFENSES AND SHOULD BE TRIED BY CIVIL COURTS.

3. AQUINO BRIEF ADDRESSES REPORTS THAT WITNESSES AGAINST AQUINO WERE TARGET OF ASSASSINATION EFFORT. IT TERMS REPORTS "BRAZEN LIE." PETITION SAID AQUINO HAD NO CHANCE TO REBUTT STATEMENTS LINKING HIM AND HIS FAMILY WITH ALLEGED ASSASSINATION PLOT. FYI: ON 3/19 TIMES JOURNAL CARRIED FRONT-PAGE STORY CHARGING THAT FIVE PROSECUTION WITNESSES IN AQUINO CASE HAD BEEN TARGER OF ASSASSINATION ATTEMPTS AND THAT THESE ATTEMPTS CONTINUED. ON MAR 25, HOWEVER, DAILY EXPRESS QUOTES MILITARY OFFICER AS SAYING: "WE DON'T ASCRIBE THESE ASSASSINATION ATTEMPTS TO THE ACCUSED (AQUINO). THEY COULD ORIGINATE FROM PEOPLE WHO ARE NOT IN ANY WAY CONNECTED WITH HIM. END FYI.

4. COMMENT: HARSH LINE SUGGESTING AQUINO INVOLVED IN EFFORT ELIMINATE POTENTIAL WITNESSES IN TIMES JOURNAL MAR 19 WAS SOFTENED CONSIDERABLY IN DAILY EXPRESS OF MAR 25. THIS SUGGESTS MARCOS STILL AT SIXES AND SEVENS ON HOW BEST HANDLE AQUINO CASE. AS NOTED PARA 4 REFTTEL, WE THINK MARCOS WISHES AVOID TRIAL BUT FEELS CONSTRAINED DEMONSTRATE SOME MOVEMENT IN CASE.  
SULLIVAN

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLITICAL PRISONERS, COURT PROCEEDINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 26 MAR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** MartinML  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975MANILA03842  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750106-0391  
**From:** MANILA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750314/aaaaamgl.tel  
**Line Count:** 86  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 MANILA 3383  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** MartinML  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 23 JUL 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <23 JUL 2003 by ShawDG>; APPROVED <19 NOV 2003 by MartinML>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** AQUINO CASE UPDATE  
**TAGS:** PINT, RP, (AQUINO)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006